

**Executive Summary – Enforcement Matter – Case No. 47139**

**City of Port Arthur**

**RN101701241**

**Docket No. 2013-1240-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Port Arthur Main Plant, located at 6300 Proctor Street Extension, approximately 0.2 mile east of the intersection of Proctor Street and Main Avenue, 3.3 miles northeast of the intersection of U.S. Highways 287/96/69 and State Highway 87, Jefferson County

**Type of Operation:**

Wastewater treatment plant with an associated collection system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 3, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$3,738

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$3,738

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Unsatisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47139**  
**City of Port Arthur**  
**RN101701241**  
**Docket No. 2013-1240-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 4, 2013 and April 23, 2013

**Date(s) of NOE(s):** June 19, 2013

***Violation Information***

1. Failed to prevent an unauthorized discharge of untreated waste into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010364001, Permit Conditions No. 2.g.].

2. Failed to notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance [TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0010364001, Monitoring and Reporting Requirements No. 7.a.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

During a field evaluation conducted on April 4, 2013, TCEQ staff documented that there was no sewage on the ground or odors at the 3558 25th Street location and that the Respondent returned to compliance.

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days, submit a noncompliance notification to the TCEQ Regional Office and the Enforcement Division describing the unauthorized discharge as a result of sewer line blockage that occurred on or about March 27, 2013 at 3558 25th Street in Port Arthur;

b. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including procedures for timely logging in dates of unauthorized discharge complaints, dates that the Respondent responds to unauthorized discharges, and the timely submittal of complete, signed and certified reports, including notifications of noncompliance; and

c. Within 45 days, submit written certification of compliance with Ordering Provisions a. and b.

**Executive Summary – Enforcement Matter – Case No. 47139**

**City of Port Arthur**

**RN101701241**

**Docket No. 2013-1240-MWD-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Floyd T. Johnson, City Manager, City of Port Arthur, P.O. Box 1089, Port Arthur, Texas 77641-1089

The Honorable Deloris Prince, Mayor, City of Port Arthur, P.O. Box 1089, Port Arthur, Texas 77641-1089

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	24-Jun-2013	<b>Screening</b>	27-Jun-2013	<b>EPA Due</b>	
	<b>PCW</b>	14-Aug-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Port Arthur		
<b>Reg. Ent. Ref. No.</b>	RN101701241		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	47139	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-1240-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jill Russell
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	62.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,550
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Notes: Enhancement for two NOV's with same/similar violations, one NOV with dissimilar violations, one order with denial of liability and one final court judgment.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$312
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$14  
Approx. Cost of Compliance \$1,275  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,738
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$3,738
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,738
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$3,738
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Screening Date 27-Jun-2013

Docket No. 2013-1240-MWD-E

PCW

Respondent City of Port Arthur

Policy Revision 3 (September 2011)

Case ID No. 47139

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101701241

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 62%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, one order with denial of liability and one final court judgment.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 62%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 62%

Screening Date 27-Jun-2013

Docket No. 2013-1240-MWD-E

PCW

Respondent City of Port Arthur

Policy Revision 3 (September 2011)

Case ID No. 47139

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101701241

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010364001, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of untreated waste into or adjacent to water in the state, as documented during the April 23, 2013 investigation. Specifically, an unknown amount of untreated waste was discharged, as a result of sewer line blockage, into a ditch at 3558 25th Street in Port Arthur, Texas.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

8 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended for the period from March 27, 2013, date that the unauthorized discharge occurred, to the April 4, 2013 compliance date.

## Good Faith Efforts to Comply

25.0% Reduction

\$312

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance by April 4, 2013.

Violation Subtotal \$938

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,713

This violation Final Assessed Penalty (adjusted for limits) \$1,713

# Economic Benefit Worksheet

Respondent City of Port Arthur  
Case ID No. 47139  
Reg. Ent. Reference No. RN101701241  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	27-Mar-2013	4-Apr-2013	0.02	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to mitigate the discharge during repairs, to unblock the line, and clean up and disinfect the impacted area. The date required is the date the Respondent documented sending a maintenance crew to the Site, and final date is the date that the investigator observed no sewage on the ground or odors at the Site.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$1

Screening Date 27-Jun-2013

Docket No. 2013-1240-MWD-E

PCW

Respondent City of Port Arthur

Policy Revision 3 (September 2011)

Case ID No. 47139

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101701241

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0010364001, Monitoring and Reporting Requirements No. 7.a

Violation Description

Failed to notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance. Specifically, an unauthorized discharge, as a result of sewer line blockage, that occurred on or about March 27, 2013, has not been reported to the TCEQ.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$2,025

This violation Final Assessed Penalty (adjusted for limits) \$2,025

# Economic Benefit Worksheet

**Respondent** City of Port Arthur  
**Case ID No.** 47139  
**Reg. Ent. Reference No.** RN101701241  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	23-Apr-2013	21-Mar-2014	0.91	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	28-Mar-2013	21-Mar-2014	0.98	\$1	n/a	\$1

### Notes for DELAYED costs

Estimated cost to properly notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of a noncompliance and to conduct training and update the Respondent's standard operating procedures to ensure that all unauthorized discharges are reported in a timely manner. Dates required are the investigation date and date the noncompliance notification was due. The final dates are the expected compliance date.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

TOTAL

\$13

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600132021, RN101701241, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN600132021, City of Port Arthur

**Classification:** SATISFACTORY

**Rating:** 18.70

**Regulated Entity:** RN101701241, CITY OF PORT ARTHUR  
MAIN PLANT

**Classification:** UNSATISFACTORY

**Rating:** 61.15

**Complexity Points:** 7

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** at 6300 Proctor Street Extension, approximately 0.2 miles east of the intersection of Proctor Street and Main Avenue, 3.3 miles northeast of the intersection of United States Highway 287/96/69 and State Highway 87 in Jefferson County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010364001

**WASTEWATER EPA ID** TX0047589

**PRETREATMENT EPA ID** TX0047589000

**PRETREATMENT PERMIT** WQ0010364001

**SLUDGE REGISTRATION** 21769

**WASTEWATER LICENSING LICENSE** WQ0010364001

**Compliance History Period:** September 01, 2007 to August 31, 2012

**Rating Year:** 2012

**Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** August 06, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 05, 2008 to August 05, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Jill Russell

**Phone:** (512) 239-4564

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 10/06/2009 COURTORDER (Final Judgment-Agreed Order With Denial)  
Classification: Moderate  
Citation: TWC Chapter 26 26.121(c)  
Rqmt Prov:WQ 10364-001 PERMIT  
Description: Failure to prevent unauthorized discharge events in the Main collection system.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(e)

Rqmt Prov:AO 1998-0261-MWD-E, OP3e ORDER

Description: Failure by the City of Port Arthur to comply with AO Docket No. 1998-0261-MWD-E, Ordering Provision 3e.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov:OpR 8a PERMIT

Description: Failure by the City of Port Arthur to submit plans for facility expansion or a waiver request after the facility exceeded 90% of the permitted annual average flows for three consecutive months.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(5)

Rqmt Prov:OpR 4 PERMIT

Description: Failure to prevent unauthorized discharges from power failure at the wastewater treatment plant by failure to secure a reliable source of emergency power.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:OpR 1 PERMIT

Description: Failure by the City of Port Arthur to maintain lift stations.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:M&RR 5 PERMIT

Description: Failure by the City of Port Arthur to maintain accurately calibrated effluent flow measurement devices. On 06/07/2006, the West Bay ultrasonic flow meter was determined to have a -20.2% flow error, resulting in a false low effluent flow measurement.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:OpR 1 PERMIT

Description: Failure by the City of Port Arthur to properly maintain units of treatment.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:OpR 1 PERMIT

Description: Failure by the City of Port Arthur to properly maintain facility primary clarifiers.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov:M&RR 7a PERMIT

Description: Failure by the City of Port Arthur to submit noncompliance notification for collection system unauthorized discharges in conformance with requirements specified by the permit.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(e)

Rqmt Prov:AO 1998-0261-MWD-E, OP3e ORDER

Description: Failure by the City of Port Arthur to comply with AO Docket No. 1998-0261-MWD-E, Ordering Provision 3e, by 05/31/2006. Specifically, the City of Port Arthur failed to prevent unauthorized discharge of sewage from the sewer line serving 1835 Lakeshore Drive.

2

Effective Date: 08/19/2012 ADMINORDER 2011-1977-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(7)

Rqmt Prov:PC PERMIT

Description: Failed to give notice to the Executive Director when an addition or alteration results in a significant change in sludge use or disposal practices, in violation of 30 TEX. ADMIN CODE § 305.125(1) and (7), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010364001, Permit Conditions No. 4.a. Specifically, Respondent initiated using a sludge lagoon instead of the digester without notifying the Executive Director.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(7)

Rqmt Prov:PC PERMIT

Description: Failed to submit relevant facts in a permit application, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (7), and TPDES Permit No. WQ0010364001, Permit Conditions No. 1.a. Specifically, Respondent did not list the sludge drying beds as treatment units when applying for the permit.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:****D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	August 18, 2008	(712809)
Item 2	September 25, 2008	(712810)
Item 3	October 21, 2008	(729015)
Item 4	November 20, 2008	(729016)
Item 5	December 19, 2008	(729017)
Item 6	February 12, 2009	(752153)
Item 7	March 12, 2009	(752154)
Item 8	April 20, 2009	(769879)
Item 9	May 15, 2009	(809184)
Item 10	June 17, 2009	(809185)
Item 11	September 01, 2009	(809186)
Item 12	September 18, 2009	(809187)
Item 13	November 12, 2009	(809189)
Item 14	January 20, 2010	(809190)
Item 15	February 19, 2010	(809183)
Item 16	March 19, 2010	(832508)
Item 17	April 14, 2010	(798015)
Item 18	May 14, 2010	(845198)
Item 19	June 10, 2010	(832510)
Item 20	June 24, 2010	(846775)
Item 21	September 17, 2010	(874475)
Item 22	December 20, 2010	(888520)
Item 23	January 13, 2011	(896866)
Item 24	July 20, 2011	(953225)
Item 25	August 29, 2011	(959865)
Item 26	September 19, 2011	(965906)
Item 27	December 15, 2011	(969420)
Item 28	December 20, 2011	(984884)
Item 29	February 21, 2012	(998537)
Item 30	May 14, 2012	(1017010)
Item 31	June 18, 2012	(1024770)
Item 32	September 17, 2012	(1047421)
Item 33	October 12, 2012	(1063712)
Item 34	November 19, 2012	(1063713)
Item 35	December 21, 2012	(1063714)
Item 36	February 22, 2013	(1080211)
Item 37	March 22, 2013	(1089897)
Item 38	April 22, 2013	(1096290)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	09/05/2012 (1029237)	CN600132021
	Self Report?	NO	Classification: Minor
	Citation:	2D TWC Chapter 26, SubChapter A 26.039(b) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(9)(A) M&RR, No. 7, Pg. 5 OP	
	Description:	Failure by the City of Port Arthur (City) to submit complete written submission for noncompliances that may endanger human health or safety, or the environment to the TCEQ Regional Office and the Enforcement Division (MC 224), within five working days of becoming aware of the noncompliance.	

2	<p>Date: 05/31/2013 (1093186) CN600132021</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: PC No. 2(g), Pg. 7 PERMIT</p> <p>Description: Failure by the City of Port Arthur, to prevent the unauthorized discharge of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall. (801 17th St.)</p> <p>Self Report? NO Classification: Minor</p> <p>Citation: M&amp;RR No. 7(a), Pg. 5 PERMIT</p> <p>Description: Failure to submit complete and accurate noncompliance notifications. (UD)</p> <p>Self Report? NO Classification: Minor</p> <p>Citation: OpR No. 1, Pg. 9 PERMIT</p> <p>Description: Failure by the City of Port Arthur to properly secure the 19th Street lift station in an intruder resistant manner.</p> <p>Self Report? NO Classification: Minor</p> <p>Citation: OpR, No.1, Pg. 9 PERMIT</p> <p>Description: Failure by the City of Port Arthur to properly operate and maintain all systems of collection, treatment, and disposal. (LS Pump)</p>
3	<p>Date: 06/21/2013 (1089137) CN600132021</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements on Page 9 No. 1 OP</p> <p>Description: Failure by the City of Port Arthur to properly operate and maintain their sewage collection, treatment, and disposal system.</p>

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## **Component Appendices**

### **Appendix A**

#### **All NOV's Issued During Component Period 8/5/2008 and 8/5/2013**

- 1      Date:    08/28/2008    (700773)      CN600132021  
Classification:    Minor
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(1)(iii)
- Description:    The CA failed to notify the two facilities of their applicable categorical pretreatment standards; failed to issue the facilities a permit with effluent limits based on applicable categorical pretreatment standards; failed to identify the character and volume of all the pollutants contributed to the POTW by the facilities.
- Classification:    Minor
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vii)
- Description:    The CA failed to ensure that the wastewater samples collected for cyanide were obtained using grab collection techniques.
- Classification:    Minor
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vi)
- Description:    The CA failed to evaluate the Clearwater Environmental facility, identified by the CA as an SIU in March 2007, for the need to develop a plan or other action to control slug discharges, as required by the EPA's Streamlining Rule provision (October 14, 2005).
- 2      Date:    10/12/2009    (766102)      CN600132021  
Classification:    Minor
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iv)
- Description:    Failure to require Eco-Werks to use the correct analytical methods as required in 40 CFR §437.2(u) for the pollutants of concern Carbazole, n-Decane, and n-Octadecane.
- 3      Date:    03/31/2010    (832509)      CN600132021  
Classification:    Moderate
- Self Report?   YES      For Informational Purposes Only
- Citation:      2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description:    Failure to meet the limit for one or more permit parameter
- 4      Date:    06/11/2010    (827842)      CN600132021  
Classification:    Moderate
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)
- Description:    NON-RPT VIOS FOR MONIT PER OR PIPE
- 5      Date:    07/12/2010    (826613)      CN600132021  
Classification:    Minor
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 312, SubChapter G 312.142(c)
- Description:    Failure by the City of Port Arthur to maintain a copy of the registration authorization in each vehicle operated under the registration.
- Classification:    Minor
- Self Report?   NO      For Informational Purposes Only
- Citation:      30 TAC Chapter 312, SubChapter G 312.145(a)(2)
- Description:    Failure by the City of Port Arthur to provide the sludge generator's signature on the trip tickets.

Date: 07/16/2010 (828300)

CN600132021

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: MRR PERMIT  
 Description: Failure by the City of Port Arthur to comply with procedures specified in 30 TAC 319.11 - 319.12.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure to by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR PERMIT  
 Description: Failure by the City to properly operate and maintain units of treatment and collection.

Date: 07/31/2010 (867454)

CN600132021

Classification: Moderate

Self Report? YES For Informational Purposes Only  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

8 Date: 12/07/2010 (872221) CN600132021  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(7)  
PC PERMIT  
Description: Failed to give notice to the Executive Director when an addition or alteration results in a significant change in sludge use or disposal practices, in violation of 30 TEX. ADMIN CODE § 305.125(1) and (7), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010364001, Permit Conditions No. 4.a. Specifically, Respondent initiated using a sludge lagoon instead of the digester without notifying the Executive Director.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(7)  
PC PERMIT  
Description: Failed to submit relevant facts in a permit application, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (7), and TPDES Permit No. WQ0010364001, Permit Conditions No. 1.a. Specifically, Respondent did not list the sludge drying beds as treatment units when applying for the permit.

9 Date: 01/31/2011 (909660) CN600132021  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

10 Date: 02/28/2011 (916883) CN600132021  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

11 Date: 03/31/2011 (926662) CN600132021  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

12 Date: 04/30/2011 (938597) CN600132021  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

13 Date: 05/31/2011 (945967) CN600132021  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

14\* Date: 09/14/2011 (944225) CN600132021  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(9)(A)  
M&RR, No. 7, Pg. 5 PERMIT

Description: Failure by the City of Port Arthur (City) to report noncompliances that may endanger human health or safety, or the environment within 24 hours to the TCEQ Regional Office.

15\* Date: 10/31/2011 (978114) CN600132021  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

16\* Date: 12/31/2011 (991172) CN600132021  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

17\* Date: 01/19/2012 (976529) CN600132021  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: MRR PERMIT

Description: Failure by the City of Port Arthur to comply with procedures specified in 30 TAC 319.11 - 319.12.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure to by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR PERMIT

Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure by the City of Port Arthur to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure by the City to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: the cover lid on the splitter box was not adequately supported: it was shaking under the weight of the operator. Large amount of rags were also noted on the shaft controlling the opening of the sluice gate to the splitter box.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: fowl odors were coming from the grit chamber. It was also noted that this unit was generally in poor physical condition.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: the beam supporting the bridge of Primary Clarifier C, and the scum pump for this clarifier was heavily impacted by pit corrosion and perforated in several places.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: a split was noted on the distribution arm of Secondary Trickling Filter AA resulting locally in a gushing flow.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: floating sludge was noted in the settled water of Secondary Clarifier A.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: floating sludge was noted in the settled water of Secondary Clarifier B, where also the weir ring was not properly leveled. Additionally, it was noted that some of the floating solids were discharging over the weir into the effluent collection box.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: grass and wooded vegetation were noted in Digester A which was not in use at the time of the investigation. Ms. King stated that the unit was functional, and can be connected for use as needed.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. During the investigation, cracks and open gaps were noted on the exterior containment walls of some of the drying beds.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: the pressure tank used to distribute the facility reclaimed water was corroded and in disrepair.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. During the investigation, debris taken out of wet wells during cleaning were left on the ground scattered and uncontained at the following lift stations: Highland, Houston and 46th Street.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Port Arthur to ensure that all systems of collection,

treatment, and disposal are properly operated and maintained: the wet well at the Peek Avenue LS was not covered and the pipes and appurtenances were heavily corroded. Breakthrough corrosion was noted on the external metallic frame of the Houston & Lakeshore LS.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: EL&MR 1 PERMIT  
Description: Failure by the City of Port Arthur to comply with self monitored effluent limitations (BOD & TSS).

18\* Date: 02/13/2012 (987184) CN600132021  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(9)(A)  
M&RR, No. 7, Pg. 5 PERMIT  
Description: Failure by the City of Port Arthur (City) to report noncompliances that may endanger human health or safety, or the environment within 24 hours to the TCEQ Regional Office.

19\* Date: 02/29/2012 (1004069) CN600132021  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

20\* Date: 03/31/2012 (1010635) CN600132021  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

21\* Date: 07/31/2012 (1063711) CN600132021  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

22 Date: 09/05/2012 (1029237) CN600132021  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(9)(A)  
M&RR, No. 7, Pg. 5 OP  
Description: Failure by the City of Port Arthur (City) to submit complete written submission for noncompliances that may endanger human health or safety, or the environment to the TCEQ Regional Office and the Enforcement Division (MC 224), within five working days of becoming aware of the noncompliance.

23 Date: 05/31/2013 (1093186) CN600132021  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: PC No. 2(g), Pg. 7 PERMIT  
Description: Failure by the City of Port Arthur, to prevent the unauthorized discharge of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall. (801 17th St.)

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: M&RR No. 7(a), Pg. 5 PERMIT

Description: Failure to submit complete and accurate noncompliance notifications. (UD)

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR No. 1, Pg. 9 PERMIT

Description: Failure by the City of Port Arthur to properly secure the 19th Street lift station in an intruder resistant manner.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR, No.1, Pg. 9 PERMIT

Description: Failure by the City of Port Arthur to properly operate and maintain all systems of collection, treatment, and disposal. (LS Pump)

24 Date: 06/21/2013 (1089137) CN600132021

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Operational Requirements on Page 9 No. 1 OP

Description: Failure by the City of Port Arthur to properly operate and maintain their sewage collection, treatment, and disposal system.

\* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

## Appendix B

### All Investigations Conducted During Component Period August 05, 2008 and August 05, 2013

	(712809)	
Item 1*	August 18, 2008**	For Informational Purposes Only
	(700773)	
Item 2	August 29, 2008**	For Informational Purposes Only
	(712810)	
Item 3*	September 25, 2008**	For Informational Purposes Only
	(729015)	
Item 4*	October 21, 2008**	For Informational Purposes Only
	(729016)	
Item 5*	November 20, 2008**	For Informational Purposes Only
	(729017)	
Item 6*	December 19, 2008**	For Informational Purposes Only
	(752153)	
Item 7*	February 12, 2009**	For Informational Purposes Only
	(752154)	
Item 8*	March 12, 2009**	For Informational Purposes Only
	(769879)	
Item 9*	April 20, 2009**	For Informational Purposes Only
	(809184)	
Item 10*	May 15, 2009**	For Informational Purposes Only
	(809185)	
Item 11*	June 17, 2009**	For Informational Purposes Only
	(809186)	
Item 12*	September 01, 2009**	For Informational Purposes Only
	(809187)	
Item 13*	September 18, 2009**	For Informational Purposes Only

		(766102)
Item 14	October 12, 2009**	For Informational Purposes Only
		(809189)
Item 15*	November 12, 2009**	For Informational Purposes Only
		(784349)
Item 16	December 07, 2009**	For Informational Purposes Only
		(809190)
Item 17*	January 20, 2010**	For Informational Purposes Only
		(809183)
Item 18*	February 19, 2010**	For Informational Purposes Only
		(832508)
Item 19*	March 19, 2010**	For Informational Purposes Only
		(798015)
Item 20*	April 14, 2010**	For Informational Purposes Only
		(832509)
Item 21	April 20, 2010**	For Informational Purposes Only
		(845198)
Item 22*	May 14, 2010**	For Informational Purposes Only
		(832510)
Item 23*	June 10, 2010**	For Informational Purposes Only
		(827842)
Item 24	June 11, 2010**	For Informational Purposes Only
		(846775)
Item 25*	June 24, 2010**	For Informational Purposes Only
		(826613)
Item 26	July 13, 2010**	For Informational Purposes Only
		(828300)
Item 27	July 16, 2010**	For Informational Purposes Only
		(867454)
Item 28	August 31, 2010**	For Informational Purposes Only
		(874475)
Item 29*	September 17, 2010**	For Informational Purposes Only
		(872221)
Item 30	December 08, 2010**	For Informational Purposes Only
		(888520)
Item 31*	December 20, 2010**	For Informational Purposes Only
		(896866)
Item 32*	January 13, 2011**	For Informational Purposes Only
		(909660)
Item 33	February 17, 2011**	For Informational Purposes Only
		(916883)
Item 34	March 18, 2011**	For Informational Purposes Only
		(926662)

Item 35	April 26, 2011**	For Informational Purposes Only (905275)
Item 36	May 19, 2011**	For Informational Purposes Only (938597)
Item 37	May 25, 2011**	For Informational Purposes Only (933549)
Item 38	June 21, 2011**	For Informational Purposes Only (953225)
Item 39*	July 20, 2011**	For Informational Purposes Only (959865)
Item 40*	August 29, 2011**	For Informational Purposes Only (965906)
Item 41*	September 19, 2011**	For Informational Purposes Only (956081)
Item 42	October 13, 2011**	For Informational Purposes Only (978114)
Item 43	November 28, 2011**	For Informational Purposes Only (969420)
Item 44*	December 15, 2011**	For Informational Purposes Only (984884)
Item 45*	December 20, 2011**	For Informational Purposes Only (976529)
Item 46	January 18, 2012**	For Informational Purposes Only (987184)
Item 47	February 13, 2012**	For Informational Purposes Only (998537)
Item 48*	February 21, 2012**	For Informational Purposes Only (1004069)
Item 49	March 12, 2012**	For Informational Purposes Only (1010635)
Item 50	April 16, 2012**	For Informational Purposes Only (1017010)
Item 51*	May 14, 2012**	For Informational Purposes Only (1024770)
Item 52*	June 18, 2012**	For Informational Purposes Only (1009498)
Item 53	July 26, 2012**	For Informational Purposes Only (1063711)
Item 54	August 20, 2012**	For Informational Purposes Only (1047421)
Item 55*	September 17, 2012	For Informational Purposes Only (1063712)
Item 56*	October 12, 2012	For Informational Purposes Only

(1063713)  
Item 57\* November 19, 2012 For Informational Purposes Only  
(1063714)  
Item 58\* December 21, 2012 For Informational Purposes Only  
(1041074)  
Item 59 January 08, 2013 For Informational Purposes Only  
(1080211)  
Item 60\* February 22, 2013 For Informational Purposes Only  
(1089897)  
Item 61\* March 22, 2013 For Informational Purposes Only  
(1096290)  
Item 62\* April 22, 2013 For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF PORT ARTHUR  
RN101701241

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2013-1240-MWD-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Port Arthur ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 6300 Proctor Street Extension, approximately 0.2 miles east of the intersection of Proctor Street and Main Avenue, 3.3 miles northeast of the intersection of United States Highways 287/96/69 and State Highway 87 with an associated collection system in Jefferson County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on April 23, 2013, TCEQ staff documented the Respondent discharged an unknown amount of untreated waste, as a result of sewer line blockage, into a ditch located at 3558 25th Street in Port Arthur, Texas.
4. The Respondent did not notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance. Specifically, an unauthorized discharge, as a result of sewer line blockage, that occurred on or about March 27, 2013, has not been reported to the TCEQ.
5. The Respondent received notice of the violations on June 24, 2013.
6. The Executive Director recognizes that during a field evaluation conducted on April 4, 2013, TCEQ staff documented that there was no sewage on the ground or odors at the 3558 25th Street location, and that the Respondent returned to compliance.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent an unauthorized discharge of untreated waste into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010364001, Permit Conditions No. 2.g.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance, in violation of TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0010364001, Monitoring and Reporting Requirements No. 7.a.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Three Thousand Seven Hundred Thirty-Eight Dollars (\$3,738) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent

has paid the Three Thousand Seven Hundred Thirty-Eight Dollars (\$3,738) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Seven Hundred Thirty-Eight Dollars (\$3,738) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Port Arthur, Docket No. 2013-1240-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit a noncompliance notification to the TCEQ Regional Office and the Enforcement Division, describing the unauthorized discharge, as a result of sewer line blockage, that occurred on or about March 27, 2013, at 3558 25th Street in Port Arthur, Texas;
  - b. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including procedures for timely logging in dates of unauthorized discharge complaints, dates that the Respondent responds to unauthorized discharges, and the timely submittal of complete, signed and certified reports, including notifications of noncompliance, in accordance with TPDES Permit No. WQ0010364001, Monitoring and Reporting Requirements Section;
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a and 2.b. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with all

permit conditions. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

Pamela Rowley  
For the Executive Director

2/26/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Port Arthur. I am authorized to agree to the attached Agreed Order on behalf of the City of Port Arthur, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Port Arthur waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
  - Greater scrutiny of any permit applications submitted;
  - Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
  - Increased penalties in any future enforcement actions;
  - Automatic referral to the Attorney General's Office of any future enforcement actions; and
  - TCEQ seeking other relief as authorized by law.
- In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Floyd T. Johnson  
Name (Printed or typed)  
Authorized Representative of  
City of Port Arthur

Date

Title

11/19/13  
City Manager

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.